

**Summary of the Office Action**

The Amendment filed on April 20, 2007 is objected to by the Examiner. Applicant is required to cancel the alleged “new matter” referred to at page 2 of the Office Action.

Claim 46 stands objected to for alleged informalities.

Claims 36, 43, 48 and 52 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement.

Claims 31-33, 37-40, and 44-52 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being incomplete for omitting essential steps, such omission amounting to a gap between the steps.

Claims 36, 43, 48 and 52 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Claims 31-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto, EP 938,091 (hereinafter “Hashimoto”).

**Summary of the Response to the Office Action**

Applicants have canceled claims 34 and 41 without prejudice or disclaimer. Applicants have also amended claims 31, 35, 36, 38, 42, 43, 45, 46, 48, 49 and 52 to differently describe embodiments of the disclosure of the instant application’s specification and/or to improve the form of the claims. Accordingly, claims 31-33, 35-40 and 42-52 are currently pending for consideration.

**New Matter Objection and Requirement for Cancellation of New Matter**

The Amendment filed on April 20, 2007 is objected to by the Examiner. Applicant is required to cancel the alleged "new matter" referred to at page 2 of the Office Action.

The Examiner alleges at page 2 of the Office Action that the amendment filed on April 20, 2007 introduces new matter into disclosure. The Examiner asserts that the feature "one type of the scramble system of the information signal to which the copy control information permitting only one recording of the information signal outputted from a receiving apparatus (1) in an information recording medium is given, and for permitting only one copy of the recorded information signal to another information recording medium (emphasis added)" is not supported by the original disclosure." Applicants have carefully reviewed the Examiner's comments in this regard in connection with the Amendment filed on April 20, 2007 and have determined that the above-underlined term "recorded" is a typographical error in the Amendment filed on April 20, 2007 that should be replaced to read --outputted--. Accordingly, in the instant Amendment, Applicants have amended each of claims 36, 43, 48 and 52, for example, to resolve this issue.

Applicants respectfully submit that at line 23 on page 27 to line 7 on page 28 of the instant application's specification, as originally filed, a clear description is provided that "*In FIG. 3, as the condition that the recording in the recording apparatus 4 is permitted, there are two cases based on combinations of the copy control information and the scramble systems of a digital input signal. The first one is that a digital input signal satisfies the conditions of "Copy Once" and the system C, and this corresponds to the digital signal from the receiving apparatus 1 via the path A3. The second one is that a digital input signal satisfies the conditions of "Copy Once" and the system E, and this corresponds to the prerecorded disc 74 via the path C1 and the*

*path E1. Moreover, the scramble system of a digital output signal recorded on the disc 73 is set as the system B, and the copy control information "Copy Once" is updated to "No More Copy".*

Applicants also refer to FIG. 1 of the instant application in this regard. Applicants respectfully submit that the information signal received by the receiving apparatus 1 has the copy control signal as "Copy Once" which permits only one recording of the information signal outputted from the receiving apparatus 1. The information signal is scrambled by the system C and outputted to the recording apparatus 4 through the path A3. When the information signal is received by the recording apparatus 4, it has still the copy control signal as "Copy Once" which permits only one copy of the outputted information signal to another information recording medium 73. Therefore, Applicants respectfully submit that the above-described feature is clearly supported by the original disclosure and the concurrently-filed amendments to the claims have cured any new matter issues associated with this application. Accordingly, withdrawal of the objection to the Amendment filed on April 20, 2007 and the associated requirement to cancel the alleged "new matter" referred to at page 2 of the Office Action is respectfully requested.

### **Claim Objection**

Claim 46 stands objected to for alleged informalities. Applicants have amended claim 46 by incorporating the Examiner's helpful suggested amendment at page 3, section 5 of the Office Action. Accordingly, Applicants respectfully request that the objection to claim 46 be withdrawn.

**Rejection under 35 U.S.C. § 112, first paragraph**

Claims 36, 43, 48 and 52 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Applicants have amended claims 36, 43, 48 and 52, as discussed above in order to resolve the asserted “new matter” issues associated with this application. Applicants respectfully submit that these rejections under 35 U.S.C. § 112, first paragraph have also been resolved by these amendments, for example, and the reasons previously discussed in this regard. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph be withdrawn.

**Rejection under 35 U.S.C. § 112, second paragraph**

Claims 31-33, 37-40, and 44-52 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Claims 36, 43, 48 and 52 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicants have amended claims 31, 38, 45 and 49 in response to the Examiner’s comments at page 4 of the Office Action. Also, Applicants have amended claims 36, 43, 48 and 52 as previously discussed to replace “the recorded information signal” with --the outputted information signal.--

Applicants respectfully submit that the rejections under 35 U.S.C. § 112, second paragraph have thus been resolved by these amendments, for example. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

**Rejections under 35 U.S.C. § 102(b)**

Claims 31-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto. Applicants have canceled claims 34 and 41 without prejudice or disclaimer, rendering the rejection of these claims moot. Applicants have also amended claims 31, 35, 36, 38, 42, 43, 45, 46, 48, 49 and 52 to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the remaining claims 31-33, 35-40 and 42-52 as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that FIG. 5 of Hashimoto discloses an input signal having CC1 (once) and EMI (once) and a recorded signal having CCID (proh) and EMID (proh) in a recording mode. Applicants respectfully submit that the EMI of the input signal is different from EMID of recorded signal.

However, as clearly described in FIG. 5 of Hashimoto, Applicants respectfully submit that when the combination of CC1 (free) and EMI (free) is applied, the EMID of the recorded signal is (free) in the same manner as the EMI (free). When the combination of CC1 (free) and EMI (proh) is applied, EMID of the recorded signal is (proh) in the same manner as the EMI (proh). Applicants respectfully submit that when the combination of CC1 (once) and EMI (proh) is applied, EMID of the recorded signal is (proh) in the same manner as the EMI (proh). In these cases, the EMID of the recorded signal is the same as EMI of the input signal.

Further, Applicants respectfully submit that FIG. 11 of Hashimoto clearly discloses that all of the EMID of signals on the disc are the same as the EMI of the playback signal.

Applicants respectfully submit that when the EMID is free, the EMI is free. Also, when the EMID is proh, the EMI is proh. Similarly, when the EMID is once, the EMI is once.

On the other hand, in embodiments of the disclosure of the instant application, as described in each of the newly-amended independent claims, the scramble system applying step (device) applies the predetermined scramble system as different from that originally applied to the inputted information signal, to the inputted information signal, without applying the same scramble system as that originally applied to the inputted information. Applicants respectfully submit that the scramble system of the scramble output is always different from that of originally applied to the inputted information signal in the present invention as described in the instant application's claims. Applicants respectfully submit that at least this feature is not disclosed or even suggested, by any of the references of record.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Hashimoto does not teach each feature of newly-amended independent claims 31, 38, 45 and 49. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from newly-presented independent claims 31, 38, 45 and 49, and the reasons set forth above.

**CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the objections and rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: November 9, 2007

By:

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